Remarks

The Office Action mailed March 21, 2006 has been carefully reviewed and the following remarks have been made in consequence thereof.

Claims 1-27, 30, 32-36, 38, 39, 42-47, 49, and 50 are now pending in this application. Claims 1-14, 17-34, and 37-49 are rejected. Claims 15, 16, 35, and 36 are objected to. Claims 28, 29, 31, 37, 40, 41, and 48 are canceled without prejudice, waiver, or disclaimer. Claim 50 has been newly added. Claims 1, 4, 8, 10, 11, 13, 15, 18, 20, 26, 30, 34, 35, 38, 39, 44, 46, and 47 have been amended. No new matter has been added. No fees are due for the newly added claim. A fee calculation sheet is submitted for the now independent Claims 15 and 35.

In accordance with 37 C.F.R. 1.136(a), a one-month extension of time is submitted herewith to extend the due date of the response to the Office Action dated March 21, 2006 for the above-identified patent application from June 21, 2006 through and including July 21, 2006. In accordance with 37 C.F.R. 1.17(a)(1), authorization to charge a deposit account in the amount of $120.00 to cover this extension of time request also is submitted herewith.

The objections to Claims 4, 8, 10, 11, 13, 18, 20, 28, 29, 30, 34, 37, 39, 40, 44, 46, and 47 is respectfully traversed. Claims 28, 29, 37, and 40 are canceled. Applicants have amended Claims 4, 8, 10, 11, 13, 18, 20, 30, 34, 39, 44, 46, and 47. Accordingly, Applicants respectfully request that the objections to Claims 4, 8, 10, 11, 13, 18, 20, 28, 29, 34, 37, 40, 44, 46, and 47 be withdrawn.

The rejection of Claims 4, 26, 28, 31, 34, 37, 40, 41, and 48 under 35 U.S.C §112, second paragraph, is respectfully traversed. Claims 28, 31, 37, 40, 41, and 48 are canceled. Applicants have amended Claims 4, 26, and 34. Accordingly, Applicants respectfully request that the section 112 rejection to Claims 4, 26, 28, 31, 34, 37, 40, 41, and 48 be withdrawn.

The rejection of Claims 1, 12, 14, 19, 21, 24, 25, 27-29, 30-34, 37-42, and 47-49 under 35 U.S.C. § 102(b) as being anticipated by Kawase et al. (U.S. Patent No. 5,631,896) is respectfully traversed.

Kawase et al. describe a hitless path switching apparatus including a plurality of signal-failure detecting circuits (16 and 26) that are connected to a plurality of interface circuits (13 and 23), respectively (column 1, lines 54-58). The apparatus includes a switching circuit (30) with switching control signals upon detecting an input line signal failure (column 1, lines 54-58). If the failure is detected in a working path but not in a protection path, switching is performed from the working path to the protection path (column 9, lines 10-13).

Claim 1 recites an autonomous circuit enabling the routing of data to a primary or secondary network cable connected to primary and secondary nodes comprising "a first monitoring device comprising a physical layer transceiver for reporting link status of the primary network cable, wherein the link status of the primary network cable includes a notification of a fault within the primary network cable; a logic device for monitoring the link status reported by the first monitoring device; and a switching device for routing the data to one or the other of the primary or secondary network cables."

Kawase et al. do not describe or suggest an autonomous circuit as recited in Claim 1. Specifically, Kawase et al. do not describe or suggest a first monitoring device including a physical layer transceiver for reporting link status of the primary network cable, where the link status of the primary network cable includes a notification of a fault within the primary network cable. Rather, Kawase et al. describe an apparatus including a plurality of signal-failure detecting circuits for detecting a failure. If the failure is detected in a working path but not in a protection path, switching is performed from the working path to the protection path. A description of the signal-failure detecting circuits does not teach the physical layer transceiver. Accordingly, Kawase et al. do not describe or suggest a physical layer transceiver for reporting link status of the primary network cable. For the reasons set forth above, Claim 1 is submitted to be patentable over Kawase et al.

Claims 28 and 29 have been canceled. Claims 12, 14, 19, 21, 24, 25, and 27 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 12, 14, 19, 21, 24, 25, and 27 are considered in combination with the recitations of Claim 1, Applicants submit that Claims 12, 14, 19, 21, 24, 25, and 27 likewise are patentable over Kawase et al.

Claim 30 recites a method of creating a cable redundancy comprising "monitoring a link status of a primary network cable with a first monitoring device, wherein the link status of the primary network cable includes a notification of a fault within the primary network cable, wherein the first monitoring device translates a message based on a speed of a network when the physical layer transceiver does not monitor the link status of the primary network cable; and switching data traveling along the primary network cable to a secondary network cable when a fault is detected in the primary network cable."

Kawase et al. do not describe or suggest a method of creating a cable redundancy as recited in Claim 30. Specifically, Kawase et al. do not describe or suggest monitoring a link status of a primary network cable with a first monitoring device, where the link status of the primary network cable includes a notification of a fault within the primary network cable, where the first monitoring device translates a message based on a speed of a network when the physical layer transceiver does not monitor the link status of the primary network cable. Rather, Kawase et al. describe an apparatus including a plurality of signal-failure detecting circuits for detecting a failure. If the failure is detected in a working path but not in a protection path, switching is performed from the working path to the protection path. Accordingly, Kawase et al. do not describe or suggest monitoring a link status of a primary network cable with a first monitoring device, where the first monitoring device translates a message based on a speed of a network when the physical layer transceiver does not monitor the link status of the primary network cable. For the reasons set forth above, Claim 30 is submitted to be patentable over Kawase et al.

Claim 31 has been canceled. Claims 32-34 depend, directly or indirectly, from independent Claim 30. When the recitations of Claims 32-34 are considered in combination with the recitations of Claim 30, Applicants submit that Claims 32-34 likewise are patentable over Kawase et al.

Claim 37 has been canceled.

Claim 38 recites a method of administering a redundant cable system comprising "monitoring, with a first monitoring device comprising a first physical layer transceiver, an occurrence of a fault within a primary network cable; monitoring,

with a second monitoring device comprising a second physical layer transceiver, an occurrence of a fault within a second network cable; and switching a data stream route from the primary network cable to the secondary network cable when the first monitoring device indicates a fault in the primary network cable and the second monitoring device indicates no faults in the secondary network cable."

Kawase et al. do not describe or suggest a method of administering a redundant cable system as recited in Claim 38. Specifically, Kawase et al. do not describe or suggest monitoring, with a first monitoring device including a first physical layer transceiver, an occurrence of a fault within a primary network cable, monitoring, with a second monitoring device including a second physical layer transceiver, an occurrence of a fault within a second network cable. Rather, Kawase et al. describe an apparatus including a plurality of signal-failure detecting circuits for detecting a failure. If the failure is detected in a working path but not in a protection path, switching is performed from the working path to the protection path. A description of the signal-failure detecting circuits does not teach the first and second physical layer transceivers. Accordingly, Kawase et al. do not describe or suggest monitoring, with a first monitoring device including a first physical layer transceiver, an occurrence of a fault within a primary network cable, monitoring, with a second monitoring device including a second physical layer transceiver, an occurrence of a fault within a second network cable. For the reasons set forth above, Claim 38 is submitted to be patentable over Kawase et al.

Claims 40 and 41 have been canceled. Claims 39 and 42 depend from independent Claim 38. When the recitations of Claims 39 and 42 are considered in combination with the recitations of Claim 38, Applicants submit that Claims 39 and 42 likewise are patentable over Kawase et al.

Claim 47 recites a method of creating a cable redundancy comprising "monitoring a fault in a primary network cable with a first physical layer transceiver (PHY); and switching data traveling along the primary network cable to a secondary network cable when a fault is detected in the primary network cable, wherein a link status output on the first PHY indicates a status of the primary network cable."

Kawase et al. do not describe or suggest a method of creating a cable redundancy as recited in Claim 47. Specifically, Kawase et al. do not describe or suggest monitoring a fault in a primary network cable with a first physical layer transceiver. Rather, Kawase et al. describe an apparatus including a plurality of signal-failure detecting circuits for detecting a failure. If the failure is detected in a working path but not in a protection path, switching is performed from the working path to the protection path. A description of the signal-failure detecting circuits does not teach the first physical layer transceiver. Accordingly, Kawase et al. do not describe or suggest monitoring a fault in a primary network cable with a first physical layer transceiver. For the reasons set forth above, Claim 47 is submitted to be patentable over Kawase et al.

Claim 48 has been canceled. Claim 49 depends from independent Claim 47. When the recitations of Claim 49 are considered in combination with the recitations of Claim 47, Applicants submit that Claim 49 likewise is patentable over Kawase et al.

For at least the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 1, 12, 14, 19, 21, 24, 25, 27-29, 30-34, 37-42, and 47-49 be withdrawn.

The rejection of Claim 44 under 35 U.S.C. § 102(e) as being anticipated by Wang et al. (U.S. Patent No. 6,813,241) is respectfully traversed.

Wang et al. describe a network architecture and a method of providing link protection. In the network architecture, once a failure condition is detected by a long reach receiver (218), a triggering event causes a switch within the two-by-two switch (270) from a working data link (220) to a protection data link (255) (column 8, lines 34-38).

Claim 44 recites a circuit enabling the routing of data to a primary or secondary network cable connected to primary and secondary nodes comprising "a first physical layer transceiver (PHY) for monitoring a link status of the primary network cable, wherein the link status of the primary network cable includes a notification of a fault within the primary network cable; a complex programmable

logic device (CPLD) for monitoring the link status reported by the first PHY; and a switch for routing the data to one or the other of the primary or secondary network cables."

Wang et al. do not describe or suggest a circuit enabling the routing of data to a primary or secondary network cable as recited in Claim 44. Specifically, Wang et al. do not describe or suggest a first physical layer transceiver (PHY) for monitoring a link status of the primary network cable, where the link status of the primary network cable includes a notification of a fault within the primary network cable. Rather, Wang et al. describe a long-reach receiver. Once a failure condition is detected by the long reach receiver, a triggering event causes a switch within the two-by-two switch from a working data link to a protection data link. A description of the long reach receiver does not teach the first physical layer transceiver. Accordingly, Wang et al. do not describe or suggest a first physical layer transceiver (PHY) for monitoring a link status of the primary network cable. For the reasons set forth above, Claim 44 is submitted to be patentable over Wang et al.

For at least the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claim 44 be withdrawn.

The rejection of Claims 2-7, 9-10, 17-18, 23, and 26 under 35 U.S.C. § 103(a) as being unpatentable over Kawase et al. in view of Bray (U.S. Patent 6,618,392) is respectfully traversed.

Kawase et al. is described above. Bray describes a transceiver including a physical layer (PHY) device (28) having a data rate corresponding to a speed of operation of a link partner (22) on a network medium (column 3, lines 1-3). The PHY device is configured either for 10 Mb/s data processing, or for 100 Mb/s data processing (column 3, lines 12-15).

Claims 2-7, 9-10, 17-18, 23, and 26 depend, directly or indirectly, from independent Claim 1 which is recited above. Neither Kawase et al. nor Bray, considered alone or in combination, describe or suggest an autonomous circuit as recited in Claim 1. Specifically, neither Kawase et al. nor Bray, considered alone or in combination, describe or suggest a first monitoring device including a physical

layer transceiver for reporting link status of the primary network cable, where the link status of the primary network cable includes a notification of a fault within the primary network cable. Rather, Kawase et al. describe an apparatus including a plurality of signal-failure detecting circuits for detecting a failure. If the failure is detected in a working path but not in a protection path, switching is performed from the working path to the protection path. A description of the signal-failure detecting circuits does not teach the physical layer transceiver. Bray describes a transceiver including a physical layer (PHY) device having a data rate corresponding to a speed of operation of a link partner (22) on a network medium. The PHY device is configured either for 10 Mb/s data processing, or for 100 Mb/s data processing. A description of the PHY device in Bray does not teach a first monitoring device including a physical layer transceiver for reporting a notification of a fault within the primary network cable. Accordingly, neither Kawase et al. nor Bray, considered alone or in combination, describe or suggest a first monitoring device including a physical layer transceiver for reporting link status of the primary network cable, where the link status of the primary network cable includes a notification of a fault within the primary network cable. For the reasons set forth above, Claim 1 is submitted to be patentable over Kawase et al. in view of Bray.

When the recitations of Claims 2-7, 9-10, 17-18, 23, and 26 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-7, 9-10, 17-18, 23, and 26 likewise are patentable over Kawase et al. in view of Bray.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 2-7, 9-10, 17-18, 23, and 26 be withdrawn.

The rejection of Claims 8 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Kawase et al. in view of Takeguchi (U.S. Patent No. 6,735,171) is respectfully traversed.

Kawase et al. is described above. Takeguchi describes a firmware (302) (column 3, lines 8-15). When a line fault is detected at a termination part (311W) or (311P), the firmware recognizes the content of a fault and performs a transmission and reception of an automatic protection system (APS) byte between an opposite side

equipment (200) through a work line (400) and performs switching control between a work unit (301W) and a protection unit (301P) (column 3, lines 8-15).

Claims 8 and 11 depend, directly or indirectly, from independent Claim 1 which is recited above. Neither Kawase et al. nor Takeguchi, considered alone or in combination, describe or suggest an autonomous circuit as recited in Claim 1. Specifically, neither Kawase et al. nor Takeguchi, considered alone or in combination, describe or suggest a first monitoring device including a physical layer transceiver for reporting link status of the primary network cable, where the link status of the primary network cable includes a notification of a fault within the primary network cable. Rather, Kawase et al. describe an apparatus including a plurality of signal-failure detecting circuits for detecting a failure. If the failure is detected in a working path but not in a protection path, switching is performed from the working path to the protection path. A description of the signal-failure detecting circuits does not teach the physical layer transceiver. Takeguchi describes a firmware. When a line fault is detected at a termination part, the firmware recognizes the content of a fault and performs switching control between a work unit and a protection unit. A description of the firmware in Takeguchi does not teach the physical layer transceiver. Accordingly, neither Kawase et al. nor Takeguchi, considered alone or in combination, describe or suggest a first monitoring device including a physical layer transceiver for reporting link status of the primary network cable. For the reasons set forth above, Claim 1 is submitted to be patentable over Kawase et al. in view of Takeguchi.

When the recitations of Claims 8 and 11 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 8 and 11 likewise are patentable over Kawase et al. in view of Takeguchi.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 8 and 11 be withdrawn.

The rejection of Claim 20 under 35 U.S.C. § 103(a) as being unpatentable over Kawase et al. in view of Burke et al. (U.S. Patent No. 6,233,235) is respectfully traversed.

Kawase et al. is described above. Burke et al. describe a variety of networks, such as, asynchronous transfer mode (ATM), synchronous optical network (SONET), fiber distribution data interface (FDDI), as well as 100 Base-T Ethernet networks (column 6, lines 45-48).

Claim 20 depends indirectly from independent Claim 1 which is recited above. Neither Kawase et al. nor Burke et al., considered alone or in combination, describe or suggest an autonomous circuit as recited in Claim 1. Specifically, neither Kawase et al. nor Burke et al., considered alone or in combination, describe or suggest a first monitoring device including a physical layer transceiver for reporting link status of the primary network cable, where the link status of the primary network cable includes a notification of a fault within the primary network cable. Rather, Kawase et al. describe an apparatus including a plurality of signal-failure detecting circuits for detecting a failure. If the failure is detected in a working path but not in a protection path, switching is performed from the working path to the protection path. A description of the signal-failure detecting circuits does not teach the physical layer transceiver. Burke et al. describe a variety of networks, such as, asynchronous transfer mode (ATM), synchronous optical network (SONET), fiber distribution data interface (FDDI), as well as 100 Base-T Ethernet networks. A description of the networks in Burke does not teach a first monitoring device including a physical layer transceiver for reporting a notification of a fault within the primary network cable. Accordingly, neither Kawase et al. nor Burke et al., considered alone or in combination, describe or suggest a first monitoring device including a physical layer transceiver for reporting link status of the primary network cable, where the link status of the primary network cable includes a notification of a fault within the primary network cable. For the reasons set forth above, Claim 1 is submitted to be patentable over Kawase et al. in view of Burke et al.

When the recitations of Claim 20 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claim 20 likewise is patentable over Kawase et al. in view of Burke et al.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claim 20 be withdrawn.

The rejection of Claim 43 under 35 U.S.C. § 103(a) as being unpatentable over Kawase et al. in view of Wang et al. is respectfully traversed.

Kawase et al. and Wang et al. are described above.

Claim 43 depends from independent Claim 38 which is recited above. Neither Kawase et al. nor Wang et al., considered alone or in combination, describe or suggest a method of administering a redundant cable system as recited in Claim 38. Specifically, neither Kawase et al. nor Wang et al., considered alone or in combination, describe or suggest monitoring, with a first monitoring device including a first physical layer transceiver, an occurrence of a fault within a primary network cable, monitoring, with a second monitoring device including a second physical layer transceiver, an occurrence of a fault within a second network cable. Rather, Kawase et al. describe an apparatus including a plurality of signal-failure detecting circuits for detecting a failure. If the failure is detected in a working path but not in a protection path, switching is performed from the working path to the protection path. A description of the signal-failure detecting circuits does not teach the first and second physical layer transceivers. Wang et al. describe a long-reach receiver. Once a failure condition is detected by the long reach receiver, a triggering event causes a switch within the two-by-two switch from a working data link to a protection data link. A description of the long reach receiver does not teach does not teach the first and second physical layer transceivers. Accordingly, neither Kawase et al. nor Wang et al., considered alone or in combination, describe or suggest monitoring, with a first monitoring device including a first physical layer transceiver, an occurrence of a fault within a primary network cable, monitoring, with a second monitoring device including a second physical layer transceiver, an occurrence of a fault within a second network cable. For the reasons set forth above, Claim 38 is submitted to be patentable over Kawase et al. in view of Wang et al.

When the recitations of Claim 43 are considered in combination with the recitations of Claim 38, Applicants submit that dependent Claim 43 likewise is patentable over Kawase et al. in view of Wang et al.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claim 43 be withdrawn.

The rejection of Claim 45 under 35 U.S.C. § 103(a) as being unpatentable over Kawase et al. in view of Bray is respectfully traversed.

Kawase et al. and Bray are described above.

Claim 45 depends from independent Claim 44 which is recited above.

Neither Kawase et al. nor Bray, considered alone or in combination, describe or suggest a circuit enabling the routing of data to a primary or secondary network cable as recited in Claim 44. Specifically, neither Kawase et al. nor Bray, considered alone or in combination, describe or suggest a first physical layer transceiver (PHY) for monitoring a link status of the primary network cable, where the link status of the primary network cable includes a notification of a fault within the primary network cable. Rather, Kawase et al. describe an apparatus including a plurality of signal-failure detecting circuits for detecting a failure. If the failure is detected in a working path but not in a protection path, switching is performed from the working path to the protection path. A description of the signal-failure detecting circuits does not teach the first physical layer transceiver. Bray describes a transceiver including a physical layer (PHY) device having a data rate corresponding to a speed of operation of a link partner (22) on a network medium. The PHY device is configured either for 10 Mb/s data processing, or for 100 Mb/s data processing. A description of the PHY device in Bray does not teach a first physical layer transceiver (PHY) for monitoring a link status of the primary network cable. Accordingly, neither Kawase et al. nor Bray, considered alone or in combination, describe or suggest a first physical layer transceiver (PHY) for monitoring a link status of the primary network cable. For the reasons set forth above, Claim 44 is submitted to be patentable over Kawase et al. in view of Bray.

When the recitations of Claim 45 are considered in combination with the recitations of Claim 44, Applicants submit that dependent Claim 45 likewise is patentable over Kawase et al. in view of Bray.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claim 45 be withdrawn.

The rejection of Claim 46 under 35 U.S.C. § 103(a) as being unpatentable over Wang et al. in view of Kawase et al. is respectfully traversed.

Wang et al. and Kawase et al. are described above.

Claim 46 depends indirectly from independent Claim 44 which is recited above.

Neither Wang et al. nor Kawase et al., considered alone or in combination, describe or suggest a circuit enabling the routing of data to a primary or secondary network cable as recited in Claim 44. Specifically, neither Wang et al. nor Kawase et al., considered alone or in combination, describe or suggest a first physical layer transceiver (PHY) for monitoring a link status of the primary network cable, where the link status of the primary network cable includes a notification of a fault within the primary network cable. Rather, Wang et al. describe a long-reach receiver. Once a failure condition is detected by the long reach receiver, a triggering event causes a switch within the two-by-two switch from a working data link to a protection data link. A description of the long reach receiver does not teach does not teach the first physical layer transceiver. Kawase et al. describe an apparatus including a plurality of signal-failure detecting circuits for detecting a failure. If the failure is detected in a working path but not in a protection path, switching is performed from the working path to the protection path. A description of the signal-failure detecting circuits does not teach the first physical layer transceiver. Accordingly, neither Wang et al. nor Kawase et al., considered alone or in combination, describe or suggest a first physical layer transceiver (PHY) for monitoring a link status of the primary network cable. For the reasons set forth above, Claim 44 is submitted to be patentable over Wang et al. in view of Kawase et al.

When the recitations of Claim 46 are considered in combination with the recitations of Claim 44, Applicants submit that dependent Claim 46 likewise is patentable over Wang et al. in view of Kawase et al.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claim 46 be withdrawn.

Moreover, Applicants respectfully submit that the Section 103 rejections of Claims 2-7, 8-11, 17-18, 20, 23, 26, 43, 45, and 46 are not proper rejections. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. None of Kawase et al., Bray, Takeguchi, Burke, or Wang et al., considered alone or in combination, describe or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine Kawase et al. with Bray, Takeguchi, Burke, or Wang et al. because there is no motivation to combine the references suggested in the cited art itself.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejections are based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Specifically, Kawase et al. teach an apparatus including a plurality of signal-failure detecting circuits for detecting a failure. If the failure is detected in a working path but not in a protection path, switching is performed from the working path to the protection path. Bray teaches a transceiver including a physical layer

(PHY) device having a data rate corresponding to a speed of operation of a link partner (22) on a network medium. The PHY device is configured either for 10 Mb/s data processing, or for 100 Mb/s data processing. Takeguchi teaches a firmware. When a line fault is detected at a termination part, the firmware recognizes the content of a fault and performs switching control between a work unit and a protection unit. Burke et al. teach a variety of networks, such as, asynchronous transfer mode (ATM), synchronous optical network (SONET), fiber distribution data interface (FDDI), as well as 100 Base-T Ethernet networks. Wang et al. teach a long-reach receiver. Once a failure condition is detected by the long reach receiver, a triggering event causes a switch within the two-by-two switch from a working data link to a protection data link. Since there is no teaching nor suggestion in the cited art for the combination, the Section 103 rejections appear to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejections of Claims 2-7, 8-11, 17-18, 20, 23, 26, 43, 45, and 46 be withdrawn.

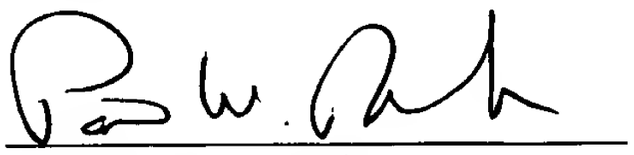
For at least the reasons set forth above, Applicants respectfully request that the rejections of Claims 2-7, 8-11, 17-18, 20, 23, 26, 43, 45, and 46 under 35 U.S.C. 103(a) be withdrawn.

Claims 15-16 and 35-36 have been indicated to contain allowable subject matter if rewritten to include all of the limitations of the base claims and any intervening claims. Claim 15 has been amended to include the recitations of independent Claim 1 and dependent Claim 14, and Claim 16 depends from Claim 15. Accordingly, Claims 15 and 16 are in condition for allowance. Claim 35 has been amended to include the recitations of independent Claim 30 and Claim 36 depends from Claim 35. Accordingly, Claims 35 and 36 are in condition for allowance.

Claim 50 depends from independent Claim 1, which is patentable over the cited art for the reasons set forth above. Accordingly, Claim 50 is also submitted to be patentable over the cited art.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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